

## **REMARKS**

### **Status of the Claims**

Claims 1-40 are presently pending, and these presently pending claims include both nonelected and elected claims. In this regard, claims 38-40 are nonelected and have been withdrawn from consideration, and claims 1-37 are elected.

Previously dependent claim 24 - which originally depended from claim 17, which in turn depends from claim 1 - has been amended to recite the subject matter of claim 1 (but not of claim 17), and claim 24 also has been made independent. Claim 31 has been amended to incorporate the subject matter of all claims in the chain of its dependency, and to be independent.

Accordingly, claims 1, 24, 31, 37, and claim 38 are independent. Of these, independent claims 1, 24, 31, and 37 being elected, and independent claim 38 being nonelected.

### **Amendments to the Claims**

Claims 1 and 37 have been amended to add in a thermal conductivity range for the base cushion layer of approximately between 0.2 BTU/hr/ft/°F - 0.7 BTU/hr/ft/°F. Claim 19 has been amended to add a numerical lower limit value of 0.2 BTU/hr/ft/°F to the base cushion layer thermal conductivity range. Claims 20 and 22 have been amended to change the lower limit numerical value of the base cushion layer thermal conductivity range to 0.2 BTU/hr/ft/°F. The 0.2 BTU/hr/ft/°F and 0.7 BTU/hr/ft/°F. thermal conductivity upper and lower

numerical limits are found in the specification as originally filed at page 20, lines 17-20.

In the present Office Action, the only rejections of claims 31-34 are a provisional obviousness double patenting rejection, and an obviousness double patenting rejection. Both of these rejections are addressed by the filing of a Terminal Disclaimer concurrently with this Reply. As noted, claim 31 has been made independent, with added recitation specifying the subject matter of all the claims from which it ultimately depends; additionally, claims 32-34 ultimately depend from claim 31. Therefore, claims 31-34 meet the requirements of the Office Action, and are patentable for this reason alone.

#### **Election/Restrictions**

In accordance with the requirement of the Examiner, the election of Group I, claims 1-37, is affirmed.

#### **Specification**

In accordance with the Examiner's request, the specification has been reviewed for errors.

#### **Rejection of claims 17 under 35 U.S.C. § 112, Second Paragraph, for Indefiniteness**

As to the Examiner's conclusion that the term "highly" renders claim 17 indefinite, it is noted that the full recitation at issue in this matter is --- a highly crosslinked polydimethylsiloxane---. In this regard, it is respectfully submitted that recitation of polymers as highly crosslinked is

well known and accepted practice, and is not considered to be indefinite by those in the art. For instance, in U.S. Patent No. 6,437,012 (WANG), claim 1 is directed, inter alia, to a highly crosslinked macroporous polymer.

A copy of WANG is filed with the present Reply. More patent examples demonstrating this point can be cited to the Examiner, if necessary.

In view of the foregoing, it is respectfully submitted that the recitation in claim 17, of the polydimethylsiloxane as being highly crosslinked, meets the requirements of 35 U.S.C. § 112, second paragraph.

**Rejection of claims 1-3, 5-7, 10-30, and 35-37 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,261,214 (MEGURIYA)**

MEGURIYA teaches a thermal conductivity upper limit of  $5.0 \times 10^{-4}$  cal/cm·sec·°C. In this patent it is specified that this is a preferred upper limit, and that the intended objects are sometimes unattainable if this limit is exceeded (column 5, lines 29-37).

The MEGURIYA  $5.0 \times 10^{-4}$  cal/cm·sec·°C upper limit translates to 0.12 BTU/hr/ft/°F. Applicants' claims 1-23, 26-30, and 35-37 recite a numerical lower limit of 0.2 BTU/hr/ft/°F, with the thermal conductivity range being further defined by the term "approximately".

It is respectfully submitted that this qualifier fails to bridge the considerable gap between 0.12 and 0.2 BTU/hr/ft/°F. Applicants' 0.2 BTU/hr/ft/°F thermal conductivity numerical

lower limit further distinguishes Applicants' invention, as recited, from MEGURIYA. Accordingly, with particular reference to the Examiner's assertion - made specifically as to claim 23 - that a thermal conductivity of  $5.0 \times 10^{-4}$  cal/cm·sec·°C (i.e., 0.12 BTU/hr/ft/°F) reads on approximately 0.2 BTU/hr/ft/°F, it is further respectfully submitted that the difference here between 0.12 and 0.2 is too great for this reasoning of the Examiner to be accepted.

In view of the foregoing, claims 1-3, 5-7, 10-30, and 35-37 are patentable over MEGURIYA.

As noted by the Examiner, MEGURIYA teaches a curing temperature lower limit of about 100°C (column 4, lines 24-28). Applicants' claim 14 recites a temperature upper limit that "does not substantially exceed 80°C". Notwithstanding the respective modifiers "about" of MEGURIYA and "does not substantially exceed" of Applicants, it is respectfully submitted that here again, the difference separating the actual numerical ranges of Applicants and MEGURIYA - in this instance, 20 degrees Centigrade - is far too great to be bridged. For this additional reason, claim 14 is patentable over MEGURIYA.

As to Applicants' claims 27-29, MEGURIYA does teach hardness values (column 6, lines 28-31; column 8, Table 1), but these are not cited by the Examiner. Further, as stated in Applicants' application, it is well known that small changes in Shore A durometer are reflected in significant

changes of mechanical behavior (page 30, lines 29-30). It is therefore respectfully submitted that the Examiner has not met his burden of citing teachings from the art for the subject matter of Applicants' claims 27-29; it is further respectfully submitted that for this additional reason, claims 27-29 are patentable over MEGURIYA.

Applicants' claims 24 and 25 recite the pressure roller of Applicants' invention. MEGURIYA (Abstract; column 1, lines 4-8 and column 1, line 65 through column 2, line 1; column 2, lines 7-12) teaches heat fixing rolls. MEGURIYA does not disclose or suggest a pressure roller. For this reason alone, claims 24 and 25 are patentable over MEGURIYA.

**Rejection of claims 4, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over MEGURIYA in view of Hawley's Condensed Chemical Dictionary (13<sup>th</sup> Edition, page 995)**

The cited teaching from HAWLEY'S does not supply the deficiencies of MEGURIYA. For this reason alone, claims 4, 8, and 9 are patentable over the combined teachings of MEGURIYA and HAWLEY'S.

**Provisional rejection of claims 1-3, 5-7, 9-13 15-17, 19-21, and 24-37 over claims 1-9, 13, 15-21, 25, 26, and 28-36 of copending Application No. 10/667,996 for obviousness-type double patenting**

**Rejection of claims 1-33 and 35-37 over claim 31 of U.S. Patent No. 6,486,441 (CHEN et al.) in view of MEGURIYA for obviousness-type double patenting**

A Terminal Disclaimer, pertaining to Application No. 10/667,996 and also pertaining to CHEN et al., has been filed concurrently with this Reply. It is therefore respectfully

submitted that both the provisional rejection for obviousness-type double patenting, and the rejection for obviousness-type double patenting, have been addressed.

**Allowability of claim 31-34 as amended**

As has been noted, the only rejections of claims 31-34 in the present Office Action are the provisional rejection for obviousness-type double patenting, and the obviousness double patenting rejection. These rejections have been addressed by the indicated concurrent filing of a Terminal Disclaimer. Claims 32-34 ultimately depend from claim 31, and claim 31 has been made independent, with added recitation specifying the subject matter of all the claims from which claim 31 ultimately depends. Accordingly it is respectfully submitted that claims 31-34 are allowable in view of these circumstances, regardless of any other reasons supporting allowance.

### CONCLUSION

It is respectfully submitted that, for the reasons as stated, the claims presently pending in this Application are patentable over the art of record, and the Application is otherwise in condition for allowance.

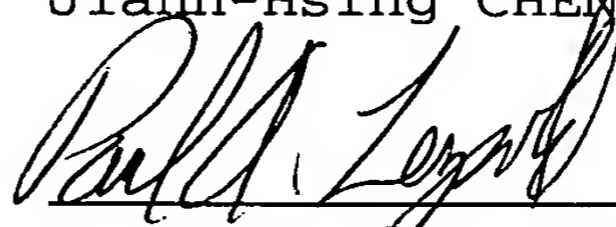
Withdrawal of the restriction requirement, withdrawal of the objections and rejections, and allowance of all pending claims, is respectfully requested. It is further respectfully requested that this allowance be set forth in the next Official Action for the Application.

Favorable action is respectfully solicited.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

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Enclosures

Respectfully submitted,  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.